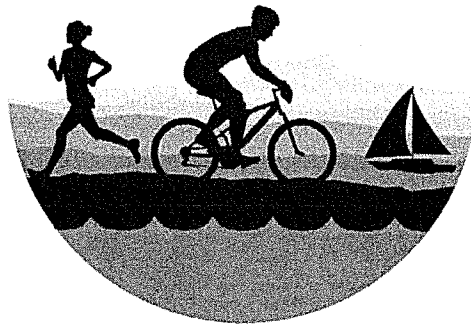


ZONING REGULATIONS



Colchester

VERMONT

First Adopted 1955

Last Amended TBA

provided in subsection E below. Temporary uses or structures on a lot shall not be placed or conducted in such manner as to obstruct or interfere with vehicle circulation and parking, pedestrian movement, block sidewalks, obstruct crosswalks or damage landscaped areas.

C. Temporary Construction Structures. Temporary structures used in conjunction with duly permitted construction work shall be permitted only during the period that the construction is in progress.

D. Temporary Outside Storage. Temporary outside storage used in conjunction with the principal use or uses on that property shall be subject to approval by the Development Review Board unless specifically excluded from the use by definition or district.

E. Temporary Uses Exempt from Review. The following uses are permitted without requiring review under this section provided such uses do not exceed the stated limits. Uses which exceed the stated limits shall be considered to be permanent uses and, as such, are restricted by other portions of these regulations.

1. Auctions lasting no longer than two (2) days per calendar year.
2. Garage sales totaling no more than two (2), seven (7) consecutive day sales or two (2) three (3) consecutive weekend sales shall be conducted at one (1) residence per year. All sales shall be conducted between the hours of 8:00 a.m. and 8:00 p.m. only.
3. Commercial use tents erected on a property for less than ten (10) days in one calendar year.
4. Outdoor sales events held by a business on the same lot for no more than four (4) consecutive days, two (2) times per calendar year.
5. Other mobile home dwelling unit type trailers such as office trailers, office/storage trailers and semi-van trailers may be allowed as temporary facilities for construction projects when approved with a building permit from the Zoning Administrator. No other non-dwelling uses of trailers shall be allowed except as a temporary emergency facility when approved by the Development Review Board as a conditional use.
6. Portable Toilets erected on a property for less than fifteen (15) days in one calendar year. Portable toilets located in public parks, in association with agricultural operations, or in association with construction projects when approved with a building permit from the Zoning Administrator or a wastewater permit from the Wastewater Official shall not be subject to this time limitation.
7. Play structures such as but not limited to swings, slides, tree-houses, sand boxes, and trampolines.
8. Piers, docks, and other structures attached to the shore and extending beyond the mean water mark provided that such piers, docks, and other structures comply with all state and federal regulations pertaining to such encroachments and are not integrated with other structures herein regulated.

9. Fishing houses as defined in 10 VSA part 4 and appendix.

2.08 Multiple Structures

A. General Provisions. Except as otherwise provided specifically within these Zoning Regulations, there shall be only one principal building or structure on a lot. Multiple structures on a lot shall be subject to the requirements of Planned Unit Development in Article Nine.

2.09 Accessory Structures and Uses

A. Accessory Structures. Accessory buildings, except as otherwise permitted in the Regulation, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a principal building, it shall be subject to and must conform to all requirements of this Regulation applicable to principal buildings.
2. The total square footage of all accessory structures shall not exceed fifty percent (50%) of the first or ground floor of the principal structures except where the parcel is greater than five acres in size this limitation may be removed with approval by the DRB through the conditional use process herein defined in Article 8.
3. The square footage of the first (ground) floor of the accessory structure(s) shall be included in the computation of lot coverage.
4. No detached accessory building shall be located closer than ten (10) ft. to any principal building.
5. No detached accessory building in any District shall exceed the heights specified in Table A-2.
6. Any accessory structure designed as a poolhouse shall be located no farther than fifteen (15) feet from the swimming pool to which it shall be accessory.
7. Where the accessory building is ~~not structurally attached to a principal building, it shall be located in the side or rear~~ ***to be located in the front*** yard except as provided below:
 - a. ~~The applicant shall demonstrate that the accessory building can not be reasonably located within the side or rear yard.~~
 - b. ~~The accessory building shall meet all setback requirements for the lot.~~
 - c. ~~The accessory building is accessory to a residential use.~~ a. The appearance of the accessory building shall be residential in nature. Exterior building details – including scale, fenestration, roof and

siding materials, color and design – shall be compatible with the principal structure. The Zoning Administrator may further require appropriate screening and landscaping around the accessory building to ensure compatibility with abutting residential properties.

~~d. It is best if the accessory building is not located within a principal front yard, which shall be that yard in front of the face of the principal building and extending the full width of the lot.~~

e. *b.* The placement of more than one accessory structure within a front yard shall require approval by the DRB through the conditional use process herein defined in Article 8.

8. Portable Toilets are not permissible except as stated in Section 2.07E6 herein.

B. Accessory Uses.

1. Accessory Residential Units. An accessory apartment may be approved that is accessory to a conforming residential use in accordance with Title 24 VSA Section 4412 (1) (E) as amended from time to time. The following criteria shall be used when reviewing an application for a zoning permit:

a. The owner shall occupy either the principal dwelling or the accessory apartment.

b. Only one accessory apartment may be permitted per parcel.

c. The accessory unit, whether located in the principal or an accessory structure, shall have the external appearance of a single-family residence. Exterior building details – including scale, fenestration, roof and siding materials, color and design – shall be compatible with the principal dwelling.

d. The unit shall contain no more than 2 bedrooms.

e. The apartment square footage shall not exceed 900 square feet in gross floor area or 30% of the gross floor area of the principal dwelling whichever is greater. Included in the calculation of gross floor area for an accessory apartment shall be any structure, attached or detached, principally used by the accessory apartment. Such structures shall include, but not be limited to, decks, porches, garages, lofts.

f. All applicable regulations for the provision of sewage disposal and water supply shall be met.

g. Adequate off-street parking shall be provided to include two parking spaces for the principal dwelling unit and one space per bedroom for the accessory apartment.

2. The outdoor storage or parking, storage or use of a travel trailer, tent trailer, pickup camper or coach, motorized dwelling, boat and boat trailer, snow vehicle, cycle trailer, utility trailer, horse trailer, or similar

4. Poultry and/or turkey wire fences within minimum front, side and rear yards.
5. Temporary fences, unless for snow control. Snow control fences shall be allowed from November 1 through to the following May 1.
6. Expandable fences and collapsible fences, except during construction of a building or for municipal, state, or federal projects.
7. Chain link fences erected with the open loop at the top of the fence.

D. Exemption. All existing fences that do not conform to the provisions of these regulations may be continued as they presently exist, except that these fences shall not be altered, extended, replaced or modified except in accordance with these regulations.

2.11 Swimming Pools. All swimming pools shall be constructed in compliance with Chapter Four, Article Four of the Town of Colchester Code of Ordinances as amended from time to time.

2.12 Nonconforming Uses, Structures and Lots. This section shall apply to non-conformities as defined in Title 24 V.S.A. Section 4303(16). These uses and structures shall be subject to the restrictions and conditions set forth herein.

A. Nonconforming Uses.

1. A nonconforming use shall not be changed to another non-conforming use.
2. A nonconforming use that is changed to a conforming use shall not be resumed.
3. A nonconforming use that is discontinued for six (6) months shall not be resumed.
4. A nonconforming use that is abandoned shall not be resumed.
5. No extension of a non-conforming use shall be permitted.

B. Alterations to Nonconforming Structures. Except as otherwise provided in Article Six Section 6.03, Article Seven Section 7.03, Article Seven Section 7.04, Article Two Section 2.05J, and Article Ten Section 10.14 alterations or additions to a nonconforming structure shall not encroach within any required setbacks unless the Development Review Board has approved a variance for said encroachment per Title 24 V.S.A. Section 4469. ***All variance applications shall be submitted in digital format in accordance with Appendix G herein.***

1. In reviewing variance requests for encroachment within required setbacks, the Development Review Board shall use the criteria set forth in the Title 24 V.S.A., Section 4469 as amended from time to time. In granting a variance request, the Development Review Board may attach conditions to such variances, as it may consider necessary and appropriate under the circumstances to implement the purposes of Title 24 V.S.A.

2. Outside storage for any use shall be confined to the rear yard and shall be screened from view from any side by a sufficiently high wall or fence or by appropriate landscaping such as berms, hedges and /or shrubbery.
3. All equipment maintenance, repair or manufacturing operations shall be within enclosed structures.

4.03 Severance Corners Form-Based District

A. Purpose. To facilitate a development pattern and interconnected street network within the Severance Corners Form-Based District that is modeled on traditional New England downtowns. The district shall be characterized by higher-density, mixed-use, multi-story buildings that can accommodate retail, office, commercial, light industrial, civic and residential uses. It shall have buildings set close to the sidewalk with entrances, storefronts and windows facing the street. Streets with curbs, street trees and sidewalks shall define small- to medium-sized blocks.

B. Municipal Plan. These regulations implement the relevant portions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth in the municipal plan.

C. Allowed Uses. Those uses indicated in Table 1 (below) and accessory uses to those uses. Any uses not listed in Table 1 are prohibited. Items that are not customary as accessory uses to those listed in Table 1 are prohibited. Table 1 (below) includes classes of uses (i.e. office); refer to Table A-1: Table of Uses for a detailed list of uses within each class (i.e. general office, research facility or laboratory, medical office).

D. Establishment of Street Types. Development under the form-based code for this district shall be regulated by street type. Three street types are established, in order from highest to lowest: A Streets, B Streets, and C Streets. When the streets intersect, the primary street frontage is the highest order street type. The front of a principal building and its main entrance shall face the primary street frontage.

E. Classification of Streets. U.S. Route 7 & 2, Blakely Road and Severance Road shall be A Streets. The classification of any new public or private streets serving development within this district shall be approved by the Town of Colchester at the time of subdivision or site plan approval. Not more than 50% of the total length of new streets within any development shall be classified as a C Street.

F. Block Standards. No block, which includes an A or B Street, shall exceed a total perimeter length of 1,600 feet. Any block side on an A or B Street longer than 400 feet shall be broken up by a right-of-way allowing, at a minimum, through pedestrian connections.

G. Development Standards. All development in the Severance Corners Form-Based District shall be subject to the standards set forth in Tables 2-6 below.

H. Definitions. Terms specific to this section are defined as follows:

Frontage Buildout. Frontage buildout shall be calculated based on the widest point of a building between the minimum and maximum front setback lines and the width of the lot at the front lot line.

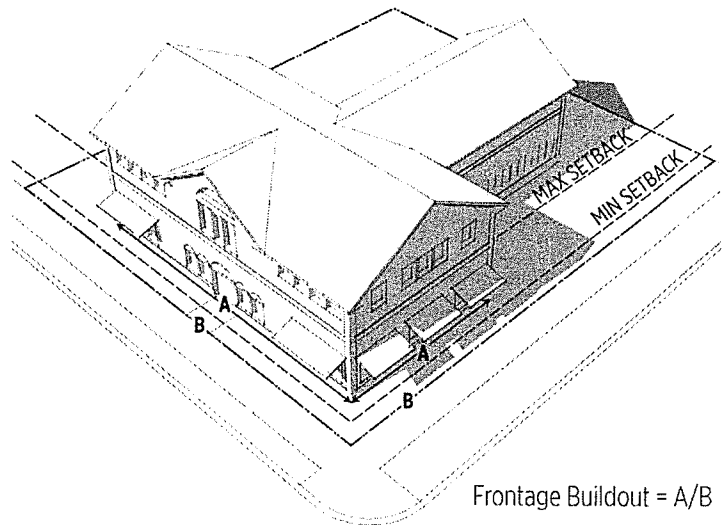
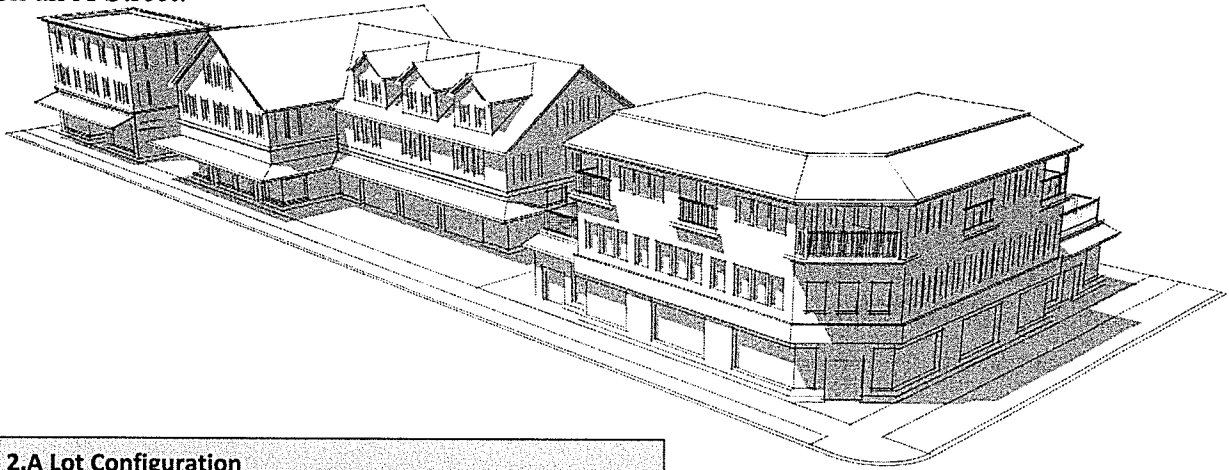


Table 1. Allowed Uses

USE (SEE SUPPLEMENT 30 (TABLE A-1: TABLE OF USES) FOR A DETAILED LIST OF USES WITHIN EACH CLASS)	A STREET		B STREET		C STREET	
	GROUND FLOOR	UPPER FLOOR	GROUND FLOOR	UPPER FLOOR	GROUND FLOOR	UPPER FLOOR
1.100 Single-Family Dwelling					P	P
1.200 Two-Family Dwelling					P	P
1.300 Multi-Family Dwelling		P	C	P	P	P
1.400 Dwellings (w/ services, care or treatment)	P	P	P	P	P	P
1.530 Hotel & Motel	P	P	P	P		
1.540 Extended Stay Hotel	P	P	P	P	P	P
1.550 Inn	P	P	P	P	P	P
1.600 Temporary Residences		P		P	P	P
1.700 Home Businesses		P		P	P	P
2.110 Convenience Store	P		P			
2.120 Shopping Center	P	P	P	P		
2.130 Retail Sales	P	P	P	P		
2.140 Retail Food Establishment	P	P	P	P		
2.150 Wholesale Establishment			P	P		
2.610 General Merchandise Rental	P		P			
3.100 Office	P	P	P	P	P	
3.200 General Services	P	P	P	P	P	
4.100 Manufacturing (fully enclosed)			P	P		
5.000 Edu., Cultural, Religious & Social Uses	P	P	P	P	P	P
6.100 Recreation & Entertainment (indoor)	P	P	P	P		
6.210 Private Recreational Facilities	P	P	P	P	P	P
6.220 Public Outdoor Recreation	P		P		P	
6.300 Coliseums and Stadiums	P	P	P	P		
7.000 Institutional Residence & Care Facilities		P	P	P		
8.000 Restaurants, Bars & Nightclubs	P	P	P	P		
9.100 Automobile Parking	P	P	P	P		
9.230 Archival Facility		P	P	P		
9.240 Distribution Facility			C	C		
11.030 Public & Semi-Public Facilities	P	P	P	P	P	P
11.300 Transit Center			C	C		
11.400 Public Garage	P	P	P	P		
11.500 Municipal Services	P	P	P	P		
11.800 Post Office	P	P	P	P		
11.900 Essential Service Facility	P	P	P	P	P	P
12.000 Towers and Related Structures		P		P		
13.000 Temporary Structures	P		P		P	P
14.000 PUDs	P	P	P	P	P	P

Table 2. A Street Dimensional Standards

A Streets are lined with mixed-use, multi-story storefront buildings that are positioned at the front of each lot. The following standards shall apply to all lots and buildings fronting on an A Street:



2.A Lot Configuration	
A Lot width	20 ft min, 180 ft max
B Lot depth	80 ft min
C Lot coverage	90% max
D Frontage buildout	60% min
2.B Building Placement	
Principal Building	
E Front setback	0 ft min, 18 ft max
F Side setback	0 ft min
G Rear setback	12 ft min
Accessory Building	
H Front setback	20 ft + principal bldg setback min
I Side setback	3 ft min
J Rear setback	3 ft min
2.C Building Form	
Principal Building	
K Stories	≥ 2 min, 5 max (<i>no more than 60% of the total frontage of the A streets in a development may be the min height.</i>)
L Ground floor ceiling height	12 9ft min, 24 ft max
Ground floor façade height	12 ft min, 24 ft max
M Upper floor ceiling height	8 ft min, 16 ft max
N Portions of a building not meeting the minimum height shall not be used to calculate frontage buildout.	
Accessory Building	
O Stories	2 max
P Ground floor ceiling height	16 ft max
Q Upper floor ceiling height	12 ft max

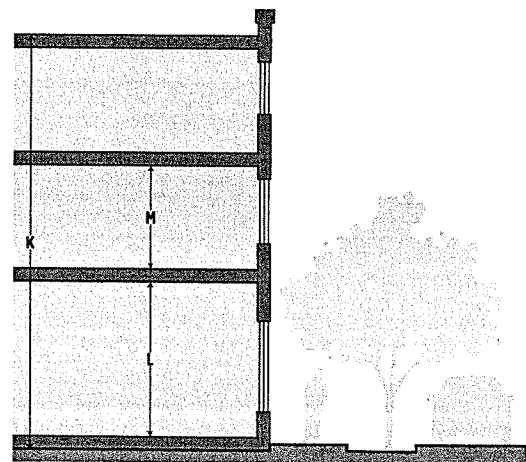
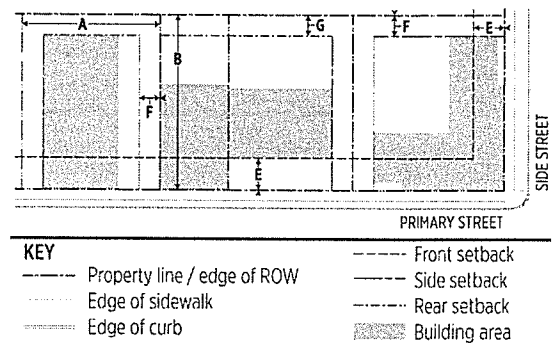
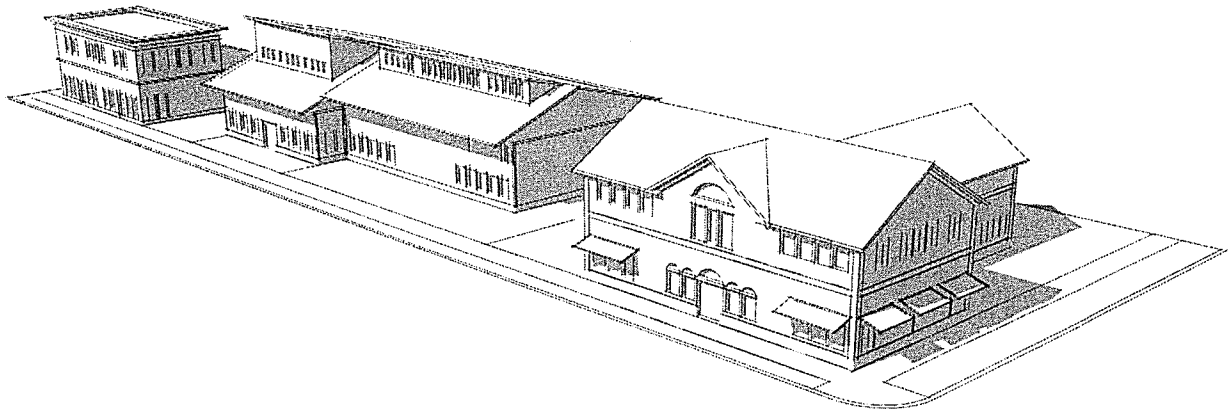


Table 3. B Street Dimensional Standards

B Streets feature mixed-use, multi-story buildings that are positioned near the front of each lot. The following standards shall apply to all lots and buildings fronting on a B Street:



3.A Lot Configuration	
A Lot width	20 ft min, 150 ft max
B Lot depth	80 ft min
C Lot coverage	85% max
D Frontage buildout	50% min

3.B Building Placement	
Principal Building	
E Front setback	0 ft min, 18 ft max
F Side setback	0 ft min
G Rear setback	12 ft min
Accessory Building	
H Front setback	20 ft + principal bldg setback min
I Side setback	3 ft min
J Rear setback	3 ft min

23.C Building Form	
Principal Building	
K Stories	2 min, 3 4max
L Ground floor ceiling height	10 9 ft min, 24 ft max
M Upper floor ceiling height	8 ft min, 16 ft max
N Portions of a building not meeting the minimum height shall not be used to calculate frontage buildout.	
Accessory Building	
O Stories	2 max
P Ground floor ceiling height	16 ft max
Q Upper floor ceiling height	12 ft max

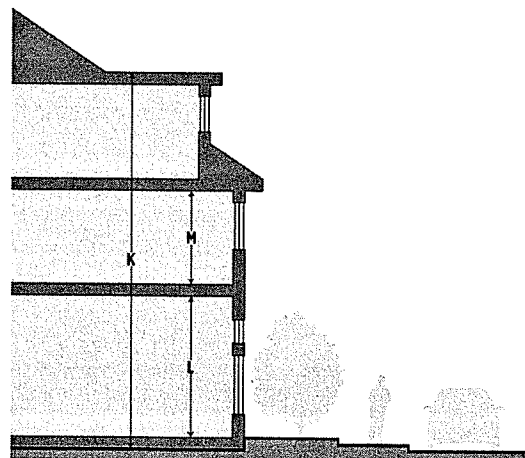
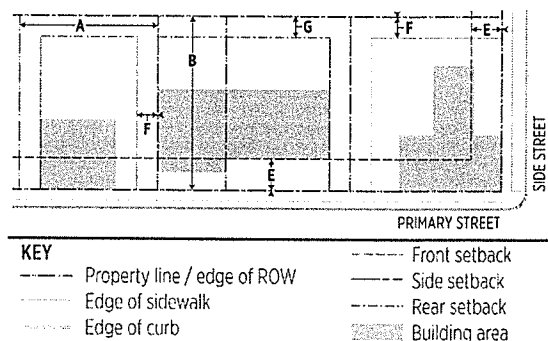
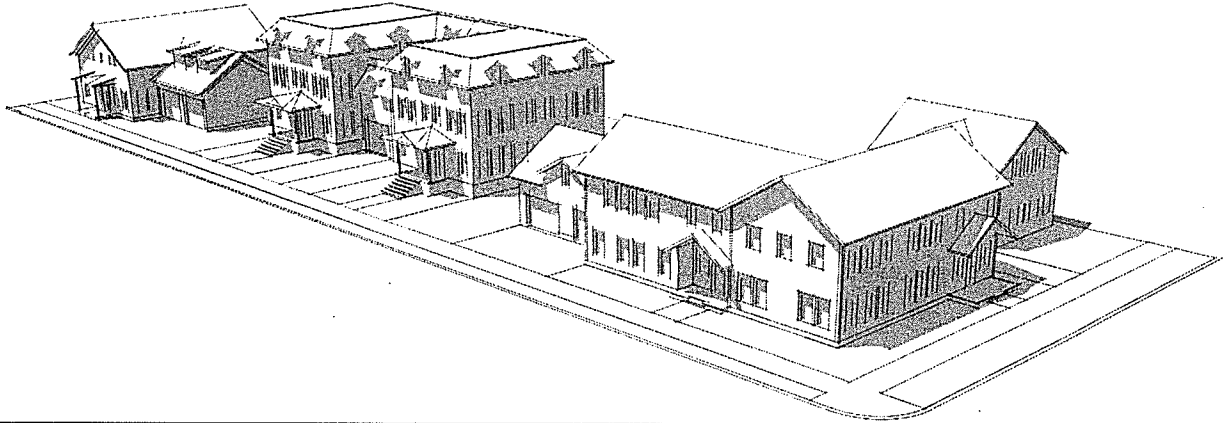


Table 4. C Street Dimensional Standards

C Streets feature multi-story residential and compatible mixed-use buildings that are set back from the street behind a shallow green strip. The following standards shall apply to all lots and buildings fronting on a C Street:



4.A Lot Configuration	
A Lot width	30 ft min, 120 ft max
B Lot depth	80 ft min
C Lot coverage	85% max
D Frontage buildout	40% min
4.B Building Placement	
Principal Building	
E Front setback	6 ft min, 24 ft max
F Side setback	0 ft min
G Rear setback	12 ft min
Accessory Building	
H Front setback	10 ft + principal bldg setback min
I Side setback	3 ft min
J Rear setback	3 ft min
4.C Building Form	
Principal Building	
K Stories	1.5 min, 3 max
L Ceiling height	8 ft min, 12 ft max
Accessory Building	
M Stories	2 max
N Ceiling height	12 ft max

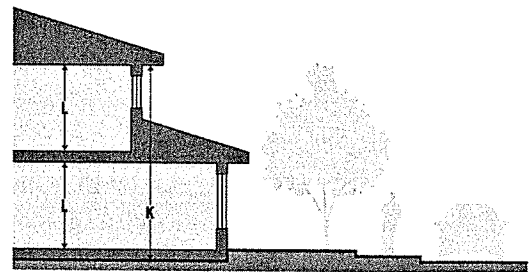
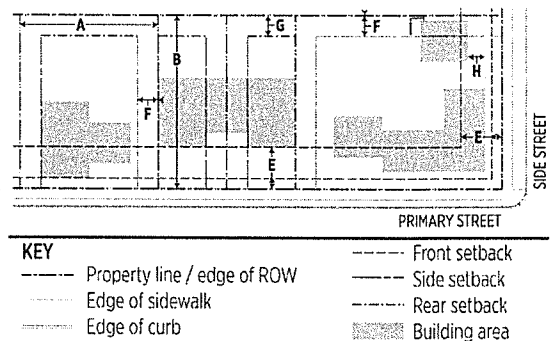
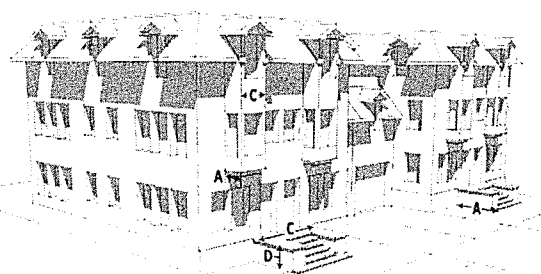
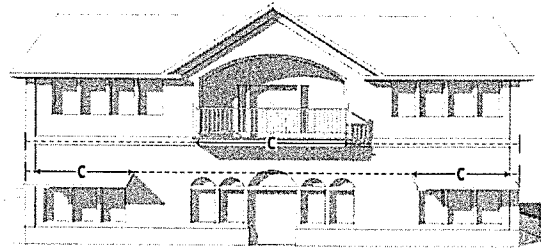
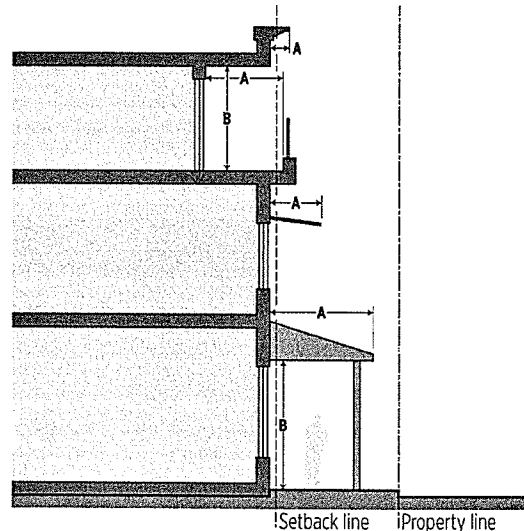
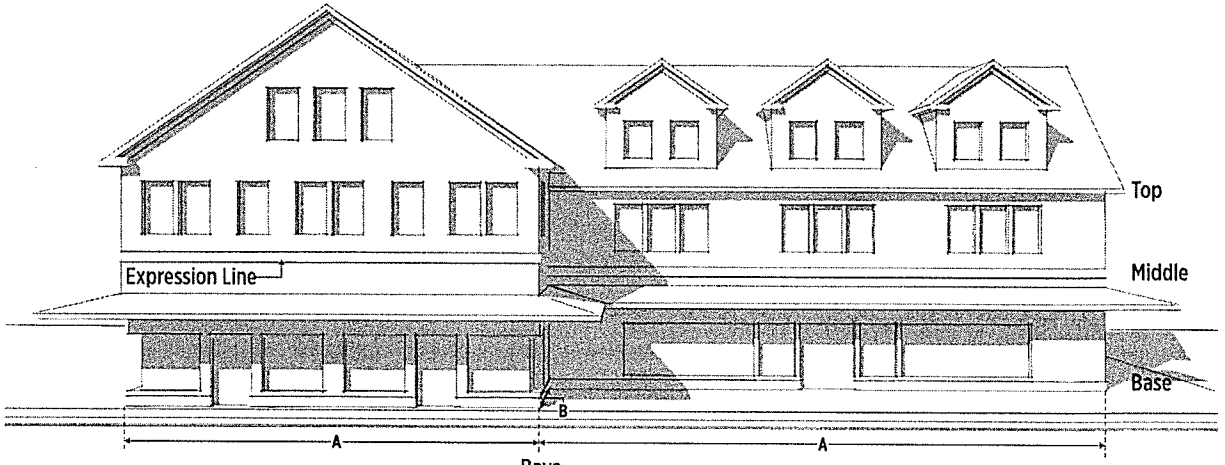


Table 5. Architectural Standards

The following standards shall apply to all buildings within the Severance Corners Form-Based District:

5.A Projecting Façade Elements	
Projecting facade elements may encroach within setbacks as specified below, but shall not extend beyond lot lines.	
Projecting facade elements shall not be used to meet frontage buildout requirements, with the exception of a colonnade or arcade with enclosed upper floor space above.	
Awnings and Marquees	
A Depth	4 ft min, 12 ft max
B Vertical Clearance	10 ft min
C Length	25% of façade min
Porches and Balconies	
A Depth	6 ft min, 16 ft max
B Vertical Clearance	8 ft min
C Length	8 ft min
Porches and balconies shall be open and unenclosed. Ground-floor, front porches shall not be screened.	
Colonnades and Arcades	
A Depth	8 ft min, 20 ft max
B Vertical Clearance	10 ft min
C Length	75% of façade min
Colonnades and arcades shall only be permitted on street-facing facades along an A or B Street.	
Stoops and Patios	
A Depth	6 ft min
D Height Above Sidewalk	2 ft max
C Length	6 ft min
Stoops and patios shall not restrict sidewalk width to less than 4 feet on a C Street or 6 feet on an A or B Street.	
Bay Windows	
A Depth	6 ft max
C Length	8 ft max
Bay windows shall have fenestration on both front and side surfaces.	
Eaves and Cornices	
A Depth	18 in min, 36 in max
Overhang depth for secondary roofs over building elements such as porches or dormers, or for primary roofs on small accessory buildings may be reduced to 9 inches.	



5.B Walls & Facades	
Composition	
Street-facing building facades shall have a defined base, middle and top formed by an articulated cornice and roof.	
An expression line shall delineate the division between the first and second story on facades facing an A or B Street.	
<i>The second story on an A or B Street must have an articulated vertical façade of 50% or greater in order to be considered for a second story.</i>	
Cornices and expression lines shall either be moldings or jogs in the surface plane of the building wall with a minimum depth of 2 inches.	
All building facades facing an A or B Street shall incorporate at least one of the following elements at ground level: awnings, porches, colonnades, arcades, or storefronts.	
All building facades facing a C Street shall incorporate at least one of the following elements: porches, balconies, stoops, or bay windows.	
<i>The total frontage of B Streets within a development shall not be more than 50% multifamily in use on the ground floor.</i>	
Bays	
Street-facing building facades greater than 60 feet in width shall be divided into bays.	
A Bay Width	20 ft min, 60 ft max
B Depth Between Bays	4 ft min
	

5.C Roofs	
Type	
Buildings fronting on C Streets shall have pitched roofs. Buildings fronting on an A or B Street may have pitched or flat roofs.	
Pitched Roofs	
Pitched roofs shall be a symmetrical gable, hip, gabled hip, hipped gable or cross gable with a pitch no less than 5:12.	
Secondary shed roofs with a pitch no less than 2:12 may be used over building elements such as porches or dormers.	
Flat Roofs	
Flat roofs shall incorporate a cornice and parapet designed to screen views of the roof surface and any roof-mounted equipment from street level.	

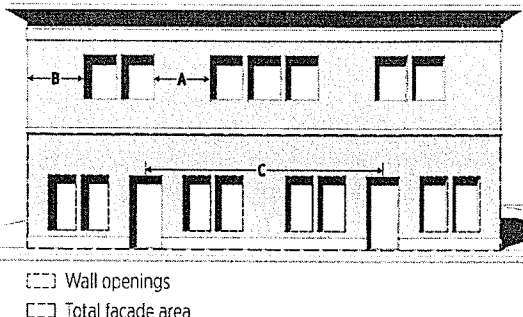
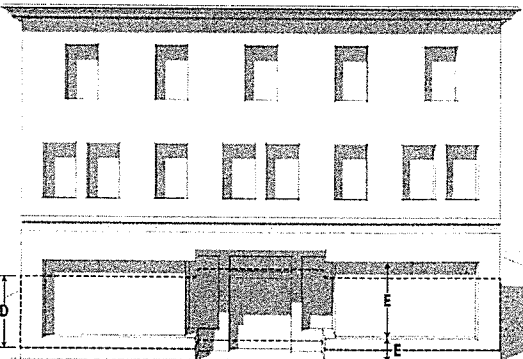
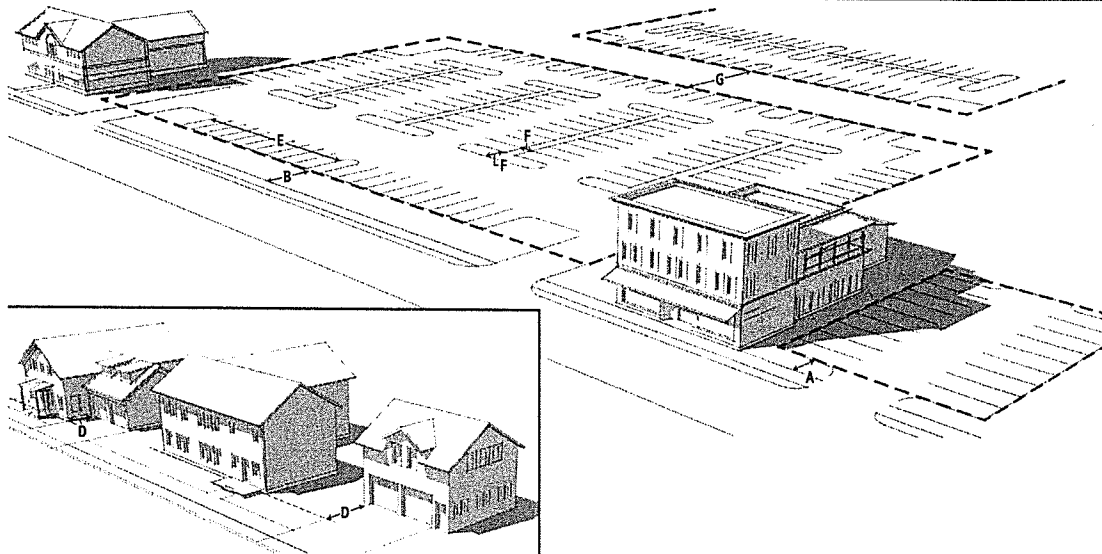
5.D Windows & Doors	
Openings in Street-Facing Facades	
Ground Floor (A Street)	40% min
Ground Floor (B Street)	30% min
Ground Floor (C Street)	30% min
Upper Floor (all streets)	10% min
A Blank Walls (all streets)	20 ft max
Windows	
All windows facing streets, except for storefront display windows, shall be rectangular or arched & shall be oriented vertically. Vertical windows may be grouped in a horizontal opening.	
Windows facing streets shall use transparent glazing materials and shall provide view of interior spaces.	
B Except as part of a storefront, windows shall not be closer than 2 feet to building corners.	
Shutters shall be sized so as to equal the width required to cover the window opening and shall be installed with the hardware necessary to make them functional.	
Drive-through service windows may not be permitted on the rear front facade of buildings except for corner buildings .	
Doors	
C Pedestrian-entry doors shall be provided at intervals no greater than 50 feet along all street-facing facades.	
Sliding, patio-style doors shall not be located on ground-floor, street-facing facades.	
Service, security or garage doors shall not be located on street-facing facades, except for residential garages on C Streets (see 6.A below).	
Storefronts	
D Storefronts shall have transparent display windows covering no less than 70% of the portion of the wall between 1 and 7 feet above the adjoining sidewalk or ground.	
E Display windows shall sit on a 1- to 2-foot high bulkhead and shall be a minimum of 5 feet high. Display windows may be oriented horizontally. Residential style windows shall not be used on a storefront.	

Table 6. Parking Standards

It is the intent of these standards to ensure a balance between compact pedestrian-oriented development and necessary vehicle storage. The following standards shall apply to all surface and structured parking within the Severance Corners Form-Based District in addition to all other applicable provisions of these regulations (in the case of a conflict, the standards below shall govern):

6.A Placement	
Surface Parking	
A	Surface parking located on a lot with a principal building shall be located behind the principal plane of the building and a minimum of 9 feet from the front lot line.
B	Surface parking located on a lot without a principal building shall be set back from streets with landscaped green spaces as follows:
Setback (A Street)	30 ft min
Setback (B Street)	20 ft min
Setback (C Street)	10 ft min
Parking Structures	
Liner buildings shall be provided between above ground parking structures (<i>with more than 3 stories of parking above grade</i>) and streets. Liner buildings may be attached to or detached from parking structures.	
C	Liner Building Depth 24 ft min
Residential Garages	
Residential garages may front on C Streets, but wherever possible they should face the side or rear.	
D	Residential garage doors facing a C Street shall be set back a minimum of 8 feet behind the principal plane of the building and shall not exceed 10 feet in width when the door faces the street.
6.B Design	
E	Consecutive Surface Parking Spaces Per Row 10 max
F	Landscape strips at least 6 feet in width shall be provided between aisles of surface parking and islands at least 9 feet in width shall be provided at the end of and within aisles (to divide consecutive rows of parking). Use of LID approaches to stormwater management within surface parking lots is encouraged and landscape strips may be used to collect and infiltrate runoff.
6.C Amount	
There are no minimum number of parking spaces required for any use within this district.	
Parking spaces do not have to be contiguous with the building or use they serve.	
G	No surface parking lot shall include more than 150 spaces. This calculation shall include all contiguous parking areas not separated by buildings, streets, or green spaces at least 50 feet in width.



ARTICLE 8: SITE PLAN AND CONDITIONAL USE REVIEW

8.01 General Purpose

8.02 Definition of Site Plan

8.03 Uses and Actions Subject to Site Plan Approval

8.04 Approval of Site Plans by Development Review Board

8.05 Application, Review, and Approval Procedure

8.06 General Review Standards

8.07 Specific Review Standards

8.08 Integration of Procedures

8.09 Administrative Review

8.10 Conditional Use Review: General Provisions and Standards

8.01 General Purpose

It is the purpose of this Article to regulate site development plans in order that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that the public health, safety, and general public welfare may be promoted; and that the preservation of historic landmarks, sites, districts, and buildings be promoted. The site plan review process and the conditional use review process will allow the Town of Colchester to review the arrangement, layout, use interrelationships and neighborhood impacts of sites intended for development or redevelopment and to ensure the aesthetic quality of such design to conform to the character of the neighborhood and the goals of the municipal plan. In reviewing site plans and conditional uses, appropriate conditions and safeguards may be imposed with respect to the adequacy of pedestrian and vehicular access, circulation, parking, landscaping and screening, and to encourage the conservation of energy.

8.02 Definition of Site Plan

As used in this Article, the term site plan shall mean a rendering, drawing, or sketch prepared to specifications contained in this article. The site plan shall show the arrangement, layout, and design of the proposed use of a single parcel or assembled parcels of land.

8.03 Uses and Actions Subject to Site Plan Approval

A. Site Plan Approval Required. Site plan approval shall be required prior to issuance of a building permit in all districts, except as provided in subsection B, for:

1. Any new use, change in use, or expansion of use in any district.
2. Uses subject to conditional use permit approval. See Section 8.10 below.
3. Any alteration or change to an approved site plan.
4. New parking lots or expansions of existing parking lots.

5. Any structure formerly used as a residence proposed for conversion to non-residential use.
6. Notwithstanding subdivision approval, any planned unit development that denotes building footprints, parking, circulation, and other related amenities. See Article 9, Planned Unit Development, for specific PUD regulations.
7. ***Seawalls, fill in excess of 100 cubic yards, and any other special circumstance specifically requiring site plan approval herein listed in the Zoning Regulations.***

B. Excluded from Site Plan Review. Specifically excluded from the provisions of this article are:

1. One-family dwelling on a single lot, its accessory structures, and related features such as decks, pools, sheds, and detached garages.
2. Two-family dwelling on a single lot, its accessory structures, and related features such as decks, pools, sheds, and detached garages.
3. Agricultural and horticultural uses.
4. Forestry uses.
5. Repair and replacement of existing driveways, curb cuts, aprons, and sidewalks.
6. Repairs to existing swimming pools.
7. Fences and walls as provided in these Zoning Regulations.
8. Repair and replacement of interior amenities (such as carpeting) that are one hundred percent (100%) internal to an existing building or structure.
9. Exterior renovations to an existing building or structure that do not increase, alter or otherwise modify the outer envelope of said building or structure or in any way alter the building from its duly permitted Town approvals, except in Historic Preservation District (see Article 7).
10. Interior renovations to an existing building that do not increase or alter the use or otherwise increase parking needs, wastewater or water requirements, vehicle trip ends, or otherwise modify the use of the property so as to violate the previously approved site plan for the property. ***This shall include amendments to cumulative impact statements for the changing of tenants.***

8.04 Approval of Site Plans by Development Review Board

A. Authority. Per 24 V.S.A Section 4416, the Development Review Board (DRB) shall have the authority to review and approve, approve with modifications, or disapprove site plans prepared to the specifications set forth in this Article, except as provided for administrative site plan reviews.

B. Review Period. Where site plan review by the DRB or Administrative Officer is required, the DRB or the Administrative Officer shall act to approve or disapprove any such site plans within the time required by 24 V.S.A. Section 4464. Failure to so act within said period shall be deemed approval. Copies of the DRB or Administrative

Officer's decision, referred to as the findings of fact and order, shall be sent to the applicant.

C. Combined Decision for Conditional Uses. Where a conditional use permit is required, the DRB shall make the determination on the conditional use permit and on the site plan permit required for the conditional use and shall issue one (1) set of findings of fact pertaining to both.

8.05 Application, Review, and Approval Procedure

A. Pre-Submission (Technical Review Committee). Prior to a formal submission, the applicant should contact the Administrative Officer to inquire as to whether or not a Technical Review Committee is recommended for the project. If the Administrative Officer determines that a Committee meeting is recommended, the Officer may setup a meeting with appropriate Town officials and the applicant to discuss the proposed site plan. The intent of such a conference is to enable the applicant to inform the Department of Planning and Zoning of the proposal prior to the preparation of a detailed site plan and for said Department to review the basic site design concept, advise the applicant as to potential problems and concerns, and to determine generally the type of information to be shown on and submitted with the site plan.

B. Submission. A site plan generally shall be prepared by a registered architect, licensed landscape architect, licensed land surveyor, licensed engineer, or professional land planner. The site plan shall be submitted to the DRB for approval.

C. Fees. All submissions for site plan approval shall be accompanied by a fee as established by the Select Board in Chapter Six of the Colchester Code of Ordinances and amended from time to time.

D. Application for Site Plan.

The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). A digital copy of a site plan application and sets of plans drawn to scale *in accordance with Appendix G herein*, shall include the following information for the Administrative Officer to deem the application complete and ready to send to the DRB for its review:

1. Existing conditions plan and data:

- (a) A list of the owners of record of abutting properties, which may be generated by the Planning & Zoning Department or by the applicant.
- (b) Boundaries of existing zoning and overlay districts on the subject property and adjacent zoning and overlay district boundaries.
- (c) Area and boundaries of the property, building or setback lines as required in this chapter, and lines of existing streets and adjoining lots, as shown on a survey.

- (v) Proposed stormwater management system, including (as applicable) location, supporting design data and copies of computations used as a basis for the design capacities and performance of stormwater management facilities.
 - (w) The location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.
 - (x) Finished grades of walls, pavements, and storm drains.
3. Other: Any other information or data that the Administrative Officer or DRB shall require for a full assessment of the project pursuant to this article.

F. Development Review Board Action.

1. The DRB shall review the site plan application in accordance with 24 V.S.A. Section 4464. The DRB shall review the application against the site plan criteria in this Article 8 and any other applicable standards in these Regulations. If the DRB determines that the site plan and supporting material fail to demonstrate compliance with applicable standards, it shall deny the site plan. However, if it further determines that with a minor modification or modifications the site plan and supporting material would comply with applicable standards, the DRB may, in its discretion, impose a condition or conditions requiring such modification or modifications and approve the site plan. For the purpose of this section, a minor modification is one that leaves no part of its implementation to the discretion of the applicant.
2. Upon approval, ~~the applicant shall provide two (2) full-sized copies and one (1) copy reduced to 11" by 17" of the approved plan to the Department of Planning and Zoning. A~~ a copy of the DRB's findings of fact and order shall be sent to the applicant and recorded in the Town Clerk's office. ~~Two (2) record copies of the plans shall be retained in the Department of Planning and Zoning.~~
3. Upon approval, the applicant shall provide a copy of the site plan in digital format meeting the Town of Colchester "Digital Format Requirements" in Appendix G.

G. Waiver of Application Requirements. The Administrative Officer shall have the authority to, when reasonable, waive any application requirements for site plan approval. Any such waiver may be exercised in the event any such requirements are 1) found not to be requisite in the interest of public health, safety, or general welfare or 2) inappropriate to a particular site plan because of the particular character or limited nature of a new development or change in use or conditions peculiar to a site or 3) will cause extraordinary and unnecessary hardship.

H. Expiration of Approval. Development Review Board approval of a site plan shall expire if any of the following circumstances occurs:

1. A complete application for a building permit is not submitted within twelve (12) months of the DRB approval, except where the phasing of development over a longer period has been specifically provided for in the findings of fact at the time of site plan approval. The said twelve (12) month period shall be extended by any action caused by court proceedings.

2. Work authorized under a building permit is not commenced and diligently pursued through the completion of substantial construction within twelve (12) months of receiving a building permit.
3. Upon prior written request to the DRB, including a statement of justification for the requested time extension, the time period for obtaining a building permit may be individually extended for a maximum period of twelve (12) calendar months from the otherwise specified termination dates.

I. Field Changes and As-Built Plans

1. Field Changes

- (a) During construction, the Administrative Officer may authorize or require, at his/her own determination or upon the request of the applicant, minor adjustments to the approved site plan when such adjustments are necessary in light of technical or engineering considerations. Such minor adjustments shall be consistent with the spirit and intent of the approved site plan.
- (b) Where unforeseen conditions are encountered which require any material change to an approved site plan or where the developer wishes to modify the approved plan for other reasons, a site plan application shall be filed with the DRB or Administrative Officer for review in accordance with procedures required for the amendment of applications.

2. As-Built Plans

- (a) Upon completion of any development or redevelopment pursuant to an approved site plan involving field changes as set forth in (1) above, and prior to the issuance of a certificate of occupancy, the applicant shall submit to the Administrative Officer an as-built plan, prepared and certified by a licensed engineer, architect, landscape architect or surveyor, showing the location of all site improvements as constructed. Such plan shall be based on a field survey.
- (b) Said as-built plan shall be reviewed by the Administrative Officer to determine if it is in compliance with the approved site plan. The Administrative Officer shall specify its compliance with or variation from the approved site plan by signature and shall file ~~one (1) copy with the Department of Planning and Zoning~~ and a revised site plan in digital format meeting the Town of Colchester "Digital Format Requirements" in Appendix G.
- (c) If variations from the approved final site plan exist, an amended site plan shall be filed with the DRB for review in accordance with the same procedures required for initial applications.

J. Technical or Consultant Review of Site Plans. The DRB may require an independent technical review of the application. The site plan review applicant shall pay for the cost of such review per Chapter Six and a Half of the Colchester Code of Ordinances. The Development Review Board may table review of the application pending receipt of an independent technical review.

8.10 Conditional Use Review: General Provisions and Standards

A. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted Municipal Plan and are in accord with the policies set forth therein.

B. Definition of Conditional Use. A conditional use shall be defined as a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the general and specific standards for the location or operation of the use as specified in these regulations and as authorized by the DRB. Uses requiring a conditional use permit are listed in Table A-1, Table of Uses. In granting approval for a conditional use, the DRB may attach such additional, reasonable conditions and safeguards as it may deem necessary to implement the purposes of these regulations.

C. Uses and Actions Subject to Conditional Use Review. Conditional use permit approval shall be required prior to issuance of a building permit in all districts where such uses are listed as conditional uses in the District Regulations. The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). Any alteration, extension or other change to an existing conditional use shall require review under the requirements of this section.

D. Review and Approval Procedure. Per 24 V.S.A Section 4414(3) a use designated as a conditional use in any district may be permitted by the DRB, after public notice and public hearing pursuant to 24 V.S.A. Section 4464, according to the following procedures:

1. Any conditional use is subject to site plan review and shall be reviewed under the requirements of Article 8, Site Plan and Conditional Use Review or if a PUD or within a PUD the use shall additionally be subject to the requirements of Article 9, Planned Unit Development.
2. The DRB may require submission of plans, data, or other information in addition to the requirements of Article 8, as it deems necessary.
3. The DRB shall act to approve or disapprove a requested conditional use within the time required in 24 V.S.A. Section 4464, and failure to so act shall be deemed approval.
4. In approving a conditional use, the DRB may attach additional requirements as it may deem necessary to implement the provisions of the Colchester Municipal Plan and these regulations.
5. ***The application and any supporting materials submitted shall be in digital format in accordance with Appendix G herein.***

11.03 Zoning Permits, Sign Permits, and Water & Wastewater Permits.

A. Zoning Permit Required. No land development, accessory apartment, daycare facility, nursing care home, home business or occupation may be commenced without a zoning permit issued by the Zoning Administrator. No zoning permit may be issued by the Zoning Administrator except in conformance with these regulations and the provisions of the Vermont Planning and Development Act. Any applicant for a zoning permit shall provide the Zoning Administrator with any and all information the Zoning Administrator deems necessary to ascertain compliance with these zoning regulations in digital format ***in accordance with Appendix G herein unless waived by the Director of Planning & Zoning.*** The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). Such permit shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with the with 24 V.S.A. Section 4465.

B. Water & Wastewater Permit Required. No construction of a potable water supply or drilling may be commenced without a water & wastewater permit issued by the Wastewater Official. No water & wastewater permit may be issued by the Wastewater Official except in conformance with these regulations and the provisions of the Vermont Environmental Protection rules, otherwise known as the “Vermont Water Supply Rules” as amended from time to time. Any applicant for a water & wastewater permit shall provide the Wastewater Official with any and all information the Wastewater Official deems necessary to ascertain compliance with these regulations in digital format ***in accordance with Appendix G herein.*** The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). Such permit shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with 24 V.S.A. Section 4465.

C. Sign Permit Required. It shall be unlawful for any person to erect, alter or relocate within the Town of Colchester any sign as defined in this Ordinance, without first obtaining a sign permit from the Zoning Administrator in digital format ***in accordance with Appendix G herein.*** The land owner and, where applicable, building owner of the property shall sign the permit application or a letter of agency shall be submitted with the application demonstrating that the applicant may sign on the behalf of the owner(s). Any sign not expressly permitted by, or exempted from, the provisions of this Ordinance is prohibited. Permanent sign permits shall not be effective until the time for appeal has expired, or such appeal has been adjudicated, in accordance with the with 24 V.S.A. Section 4465.

fails to cure the violation within the time set forth in the notice, the Zoning Administrator may order said sign to be removed at the expense of the owner of the property upon which it is located. The Zoning Administrator may cause any sign which is an immediate peril to person or property, to be removed without notice.

11.08 Revocations of Permits.

Omission or misstatement of any material fact by applicant or agent stated on the application or at any hearing, which would have warranted refusing the permit, shall be grounds for the Zoning Administrator or designee to revoke the permit at any time.

11.09 Appeals.

Appeals in the case of the issuance of a ticket under Section 11.07(A) above shall be governed by the provisions of 24 V.S.A. Chapter 29. The provisions of Title 24 Vermont Statutes Annotated, Chapter 117, shall govern all other appeals. ***All appeal applications shall be submitted in accordance with Appendix G herein.***

11.10 Records Maintenance

The Colchester Department of Planning and Zoning shall be responsible for the maintenance of the public records and documents associated with the administration and enforcement of these regulations per 1 V.S.A. Sections 310 to 320 including but not limited to:

- A. All Findings of Fact and Order including but not limited to Variances, Conditional Uses, Site Plans, Appeals of the Administrator's Decisions, Certificates of Appropriateness as rendered by the Development Review Board;
- B. Zoning Violations;
- C. All permits issued under these regulations;
- D. Elevation Certificates with as-built elevations (consistent with the datum of the elevation on the current Flood Insurance Rate Maps) of the lowest floor, including basement, of all new, substantially improved or flood proofed structures in the Flood Plain District;
- E. All flood proofing and other certifications required per Section 6.03 herein.

MENTAL HEALTH FACILITY: An establishment that has the primary focus of providing licensed, skilled, full-time care and related services for patients with mental health problems. The facility may provide extended and/or intermediate care for those who by reason of mental condition need acute, chronic, or convalescent care. Patients include both at will and not at will admissions.

MINI-STORAGE: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Mini-Storage shall not include outside storage or archival storage. Only the storage of goods, materials, and merchandise is allowed within mini-storage structures. Perimeter fencing is customary.

MINING OPERATIONS: The excavation or extraction of sand, gravel, clay, slate, marble, granite, other stone material or rock, or any other earth product for commercial purposes. Mining operations shall include borrow pits and quarrying operations. On-site sales are customary. Structures are not customary.

SEASONAL MOBILE FOOD UNIT: A short-order restaurant establishment that is open for business **usually seasonally and capable of being driven or towed off-site without much difficulty** ~~between April 1st and October 31st~~. Food is customarily consumed off premise. Outdoor seating, when permitted in accordance with the regulations herein, may consist of benches and chairs that are not permanently affixed to the ground. ~~Seasonal~~ **Mobile** food units are customarily operated between 10AM and 9PM and are **usually** removed from the premise between November 1st and March 31st. Restrooms are not customarily provided in conjunction with the ~~seasonal~~ mobile food unit use. All accessory items, such as dumpsters, are customarily removed from the premise **when the mobile food unit is removed** ~~between November 1st and March 31st~~.

MOBILE HOME PARK: A lot upon which two (2) or more mobile homes are parked and occupied for living purposes. All mobile home parks shall be reviewed as Planned Residential Developments as per Article Nine. All mobile home parks shall also be reviewed, evaluated, and subject to the requirements of Title 10 of Vermont State Statutes, Chapter 15 entitle "Mobile Home Parks" as modified from time to time.

MOBILE HOME SALES: An establishment engaged in selling, renting or leasing of mobile homes. Mobile homes may be stored on the site without fixed foundations. Mobile homes stored on site shall not be occupied. Mobile homes sales include accessory office space and customarily includes outside storage.

MOTEL: An establishment which (A) contains six or more rooms containing living and sleeping accommodations used primarily for transient occupancy to the general public on a daily basis for compensation, with the exception of the manager's or caretaker's unit, and (B) has convenient access to parking spaces for the use of the unit's occupants by way of separate entrances or groups of separate entrances, outside the main building, into the individual units.

APPENDIX E: ZONING REGULATION AMENDMENTS

SUPPLEMENT 38

PROPOSAL	PLANNING COMMISSION PUBLIC HEARING	WARNED FOR SELECT BOARD	ADOPTED	EFFECTIVE DATE
<ol style="list-style-type: none"> 1. <i>Amend Section 2.07E to exempt fishing houses from permits;</i> 2. <i>Amend Section 2.09A(7) to allow accessory structures in front yards without proof of hardship;</i> 3. <i>Amend Section 2.12 to include digital application requirements for variance applications;</i> 4. <i>Amend Section 4.03 Table 1 to allow multi-family dwellings conditionally on the first floor of B Streets;</i> 5. <i>Amend Section 4.03 Table 2 subsection 2C to reduce the minimum height of buildings on A Streets to 2 stories and require that no more than 60% of the total frontage of A Streets be the minimum height;</i> 6. <i>Amend Section 4.03 Table 2 subsection 2C to reduce ground floor ceiling height and add a requirement for ground floor façade height;</i> 7. <i>Amend Section 4.03 Table 3 subsection 3C to increase the maximum height on B Streets;</i> 8. <i>Amend Section 4.03 Table 3 subsection 3C to reduce ground floor ceiling height</i> 9. <i>Amend Section 4.03 Table 5 subsection 5B to require not more than 50% of the ground floor on</i> 				

<p><i>B Streets frontage be multifamily in use and that the second story on an A or B Street must have an articulated vertical façade of 50% or greater in order to count for a second story.</i></p> <p>10. <i>Amend Section 4.03 Table 5 subsection 5D to clarify drive through locations;</i></p> <p>11. <i>Amend Section 4.03 Table 6 to clarify when linear buildings are required;</i></p> <p>12. <i>Amend Section 8.03 to clarify triggers for site plan review;</i></p> <p>13. <i>Amend Section 8.05D to include digital application requirements for site plan applications;</i></p> <p>14. <i>Amend Section 8.05F for digital record copies of site plan approvals;</i></p> <p>15. <i>Amend Section 8.05I for digital as-built requirements;</i></p> <p>16. <i>Amend Section 8.10 to include digital application requirements for conditional use applications;</i></p> <p>17. <i>Amend Section 11.03 to include digital application requirements for zoning, wastewater, and sign permits;</i></p> <p>18. <i>Amend Section 11.09 to include digital application requirements for appeals;</i></p> <p>19. <i>Amend Section 12.02 to strike “seasonal” from mobile food unit definition;</i></p> <p>20. <i>Amend Section 12.02 to add definitions of indoor and outdoor firing ranges.</i></p> <p>21. <i>Amend Table A-1 to add Section 6.400 Firing Ranges and permissible and conditional uses in districts;</i></p>				
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22. <i>Amend Table A-1 Section 8.400 to strike “seasonal” from mobile food unit;</i> 23. <i>Amend Table A-1 Section 14.0 to clarify that PUDs are allowed in all buildable districts;</i> 24. <i>Amend Table A-2 notes to clarify front yards on private roads or drives;</i> 25. <i>Amend Appendix F to rezone portions of parcel ID#08-021003 from AGR to R2;</i> 26. <i>Amend Appendix G to update digital application requirements.</i>				
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SUPPLEMENT 37

<i>PROPOSAL</i>	<i>PLANNING COMMISSION PUBLIC HEARING</i>	<i>WARNED FOR SELECT BOARD</i>	<i>ADOPTED</i>	<i>EFFECTIVE DATE</i>
1. Amend Section 2.03 District Boundaries to clarify Floodplain District boundaries; 2. Amend Section 212B to include reference to Section 6.03 and 7.04; 3. Amend Section 6.03 to clarify the Floodplain Regulations and allow floodproofing of structures to be done administratively through the building permit process, allow for the enlargement of residential structures that are floodproofed so long as the footprint is maintained or reduced, and allow for the rebuilding of sheds so long as they are wet-floodproofed;	5/27/2015	8/20/15	9/8/15	9/30/15

APPENDIX F: ZONING MAP AMENDMENTS

For a complete list of zoning map designation by parcel identification number, please see Appendix F(1) (detached).

EFFECTIVE TBA 2015

Portions of Parcel ID #08-021003 AGR to R2 (300 feet back from Bay Road ROW along the entirety of the Bay Road frontage)

EFFECTIVE September 30, 2015

25-005003 R3 to GD1

Portions of Parcel ID #41-035002 GD1 to R3 (per Zoning Map)

EFFECTIVE November 5, 2014

03-031003 GD3 to R3

03-030003 GD3 to R3

EFFECTIVE January 1, 2014

40-006002 COM to GD1

40-007002 COM to GD1

40-061002 and all sub-numbers R2 to R3

40-061132 R2 to R3

EFFECTIVE October 30, 2013

37-073002 COM to GD1

41-099002 COM to GD1

41-041002 COM to R3

05-005002 COM to GD1

40-002012 COM to GD1

40-001002 COM to GD1

40-062002 COM to GD1

40-062022 COM to GD1

40-062012 COM to GD1

40-063002 COM to GD1 & GD1C

40-063012 COM to GD1 & GD1C

40-064002 COM to GD1 & GD1C

41-095002 COM to GD1 & GD1C

41-097002 COM to GD1 & GD1C

41-098002 COM to GD1 & GD1C

41-094002 and all subnumbers COM to GD1 & GD1C

41-092002 COM/R3 to GD1 & GD1C

41-093002 and all subnumbers COM to GD1 & GD1C

APPENDIX G: DIGITAL FORMAT REQUIREMENTS**SPECIFICATIONS FOR THE SUBMISSION OF****PLANS*****APPLICATIONS IN DIGITAL FORM***

The submission of *applications*, site plans, *and supporting material* in digital format shall occur at or before the time of applying for a building permit and should comply with the following specifications:

- ~~1. All data should be submitted in Autocad or a compatible DXF file.~~
- ~~2. The drawing should be provided on a CD, DVD, thumb drive or comparable up-to-date media.~~
- ~~3. All legal property lines should be on a layer called "property".~~
- ~~4. All old or original property lines that have been or are to be dissolved should be on a layer called "old".~~
- ~~5. All building footprints should be on a layer called "building"~~
- ~~6. All paved site improvements should be on a layer called "paved". Parking spaces and circulation should be on this layer.~~
- ~~7. All easements and/or private rights of way should be on a layer called "easements".~~
- ~~8. All municipal sewer infrastructure should be on a layer called "sewer" and private infrastructure differentiated from public.~~
- ~~9. All stormwater infrastructure should be on a layer called "stormwater" and private infrastructure differentiated from public.~~
- ~~10. All municipal water infrastructure should be on a layer called "water" and private infrastructure differentiated from public.~~
- ~~11. All public sidewalk infrastructure should be on a layer called "sidewalk".~~
- ~~12. All public bikepath infrastructure should be on a layer called "bike".~~
- ~~13. All public road infrastructure should be on a layer called "road".~~
- ~~14. All street trees should be on a layer called "trees".~~

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- ~~15. All street lights should be on a layer called "stlights".~~
 - ~~16. All manholes should be on a layer called "manholes".~~
 - ~~17. All lines should be complete and continuous from one end point to the next (i.e. there should be no gaps). All polygons should snap together to produce closed parcel polygon boundaries.~~
 - ~~18. All line types should be continuous.~~
 - ~~19. All property lines should be labeled with the Roman Simplex text accurate to the tenth of a foot with the foot sign after it.~~
 - ~~20. The text showing dimensions should be put on a layer called "dimensions". It should be five units high. Miscellaneous text, such as road names, should be put on a layer called "text".~~
 - ~~21. All entities not explicitly mentioned in this document should be deleted from the submitted file.~~
 - ~~22. Digital data should be rotated so that north is indicated by the Y-Axis in the digital data.~~
 - ~~23. All data should be delivered in any State Plane coordinates, preferably NAD83 datum. Data should be labeled with the coordinate system and units used.~~
1. Digital submittals shall be in pdf form with each pdf not exceeding 20mb in size.
 2. Application forms, plans, and supporting documents shall each be separate pdfs. Plans shall be submitted as a set whenever feasible.
 3. PDFs shall be submitted via e-mail to pzinfo@colchestervt.gov or the requesting reviewer. If e-mail is not feasible, submissions will be accepted via CD/ DVD.
 4. Files shall be named the address of the property and the type of document followed by the year (i.e. 205RooseveltHgwyApp15). Each file name shall be unique with no spaces and characters shall be numbers or letters (no characters such as hyphens, #, &, or *).
 5. Subsequent submittals shall include a version reference in the name (i.e. 205RooseveltHgwyApp15v2) or final as the suffix if it is as approved. Plans submitted as sets shall be resubmitted as sets. This shall also apply to applications and all other supporting materials with page replacements or updates.
 6. All pdfs shall be at least at 300dpi, color, and to scale if a plan, elevation, or similar document.
 7. Until such time as EGOV may allow otherwise, one paper copy of DRB and WW applications and plans is requested at the time of submittal.